

1 I, the undersigned, declare that I am a resident of the State of California, employed in the
 2 County of San Francisco, over the age of eighteen years and not a party to the within action. My
 3 business address is: Farella Braun + Martel LLP, 235 Montgomery Street, 17th Floor, San
 4 Francisco, California 94104.

5 On February 22, 2013, I served the within document(s):

6 **DEFENDANT'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(1)
 7 AND 12(B)(6) OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT
 PURSUANT TO FED. R. CIV. P. 12(E)**

8 **DECLARATION OF ASHLEY E. FISHER IN SUPPORT OF DEFENDANTS'
 9 MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(1) AND 12(B)(6) OR, IN
 10 THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT PURSUANT TO
 FED. R. CIV. P. 12(E)**

11 **[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO DISMISS
 12 PLAINTIFF'S COMPLAINT**

13 BY ELECTRONIC FILING: I hereby certify that the foregoing document was
 14 filed electronically with the Clerk of the Court to be served by operation of the Court's electronic
 15 filing system upon all parties on the electronic service list maintained for this case.

16 PERSONAL DELIVERY: by placing a true copy thereof, addressed as set forth
 17 below and enclosed in a sealed envelope for personal delivery by Specialized Legal Services to
 the addressee.

18 X MAIL: by placing a true copy thereof, addressed as set forth below and enclosed
 19 in a sealed envelope with postage thereon fully prepaid and deposited for collection and mailing
 20 with the U.S. Postal Service. I am readily familiar with the ordinary business practice of this
 office for processing mail.

21 FEDERAL EXPRESS: by placing a true copy thereof, addressed as set forth
 below and enclosed in a sealed envelope for delivery by overnight courier to the addressee.

22 FACSIMILE TRANSMISSION: a true and correct copy transmitted via
 23 facsimile to each addressee listed below.

24 ELECTRONIC TRANSMISSION: a true and correct copy transmitted
 25 to each of the parties at the electronic notification address last given by said party on any
 document which he or she has filed in this action and served upon this office.

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1 Jeremy Feigelson
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6 919 Third Avenue
7 New York, New York 10022
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14 Attorney for Plaintiff and the [Proposed] Class

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(Federal) I declare that I am employed in the office of a member of the bar of this court
at whose direction the service was made.

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I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed in San Francisco, California on February 22, 2013.

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Maria Zappas